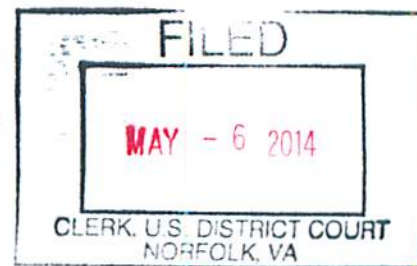


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION
In Admiralty



LYNNHAVEN FISHING CO., LLC

Plaintiff,

v.

Civil Action No. 2:14cv206

M/V ORNAK, IMO No. 9452610,
her engines, boilers, tackle, equipment,
appurtenances, and cargo, *in rem*,

Defendant.

VERIFIED COMPLAINT IN ADMIRALTY

Plaintiff, Lynnhaven Fishing Co., LLC, for its Verified Complaint in Admiralty against Defendant vessel, M/V ORNAK, IMO No. 9452610, her engines, boilers, tackle, equipment, appurtenances, and cargo, *in rem* ("the Vessel"), states as follows:

1. This is a case for property damage caused by a vessel on the navigable waters of the United States and comes within this Court's original admiralty and maritime jurisdiction pursuant to 28 U.S.C. §1333 and Rule 9(h) of the Federal Rules of Civil Procedure.
2. Plaintiff is a Virginia Limited Liability Company and is the owner of several fish impoundments in the navigable waters of the United States, in the vicinity of the Lynnhaven Fishing Pier in the City of Virginia Beach, Virginia.
3. Defendant Vessel is a Bahamian flagged bulk carrier, approximately 751 feet in length, 79,677 deadweight tons, built in 2010.
4. On or about April 15, 2014, the Vessel left its anchorage in Lynnhaven Roads in the Chesapeake Bay and ran aground, destroying one of Plaintiff's fish impoundments.

5. Prior to running aground, the Vessel was at Anchor and was aware, or should have been aware, of the weather forecast for an approaching storm system that would bring with it high winds.
6. The storm was neither unusual nor atypical for the waters where the Vessel was anchored, and the Vessel had ample warning to take protective measures to secure itself at its anchorage and owed a duty to Plaintiff to do so.
7. Nonetheless, the Vessel negligently failed to take the precautions needed to secure itself against the storm, and as a result the Vessel proximately caused extensive damage to Plaintiff's fish impoundment.
8. Furthermore, once storm conditions commenced and continued, the Vessel failed to take reasonable actions in response to the conditions and owed a duty to Plaintiff to do so, and as a result the Vessel drifted and proximately caused extensive damage to Plaintiff's fish impoundment.
9. The precise value of damages that have been and will be suffered by Plaintiff due to the negligence of the Vessel, including the cost of repair of the impoundment structure and its nets, the value of the fish that were in the impoundment when the vessel ran aground, the lost profits and other expenses are not yet known, but are reasonably expected to be in excess of \$500,000.00.
10. Prior to the commencement of this *in rem* action, all parties accepted a written undertaking from the Vessel's underwriters to respond on behalf of the Vessel in the amount of \$1 million in return for Plaintiff foregoing the arrest of the Vessel, pursuant to Local Admiralty Rule (c)(1). A copy of said Letter of Undertaking is filed hereto as Exhibit A ("Letter of Undertaking").

11. In reliance on the Letter of Undertaking, Plaintiff declined to commence an action for the arrest of the Vessel before the Vessel left this district.

WHEREFORE, Plaintiff, Lynnhaven Fishing Co., LLC, prays:

1. That the Court shall file the written Letter of Undertaking which is attached hereto as Exhibit A, and which shall become the party in place of the M/V ORNAK and shall be deemed the subject referred to when a pleading, motion, order, or judgment in the action refers to the M/V ORNAK, all pursuant to Local Admiralty Rule (c)(1);

2. That there be judgment rendered in favor of Plaintiff against Defendant, M/V ORNAK, *in rem*, in the amount to be proved at trial, but currently estimated to be in excess of \$500,000 plus *custodia legis* costs and expenses, pre-judgment and post-judgment interest, plus costs and attorneys fees; and

3. That Plaintiff have such other and further relief as this Court and justice may deem just and appropriate under the circumstances of the cause.

LYNNHAVEN FISHING CO., LLC

By: 
Of Counsel

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Counsel for Plaintiff

VERIFICATION

I, Dimitri Hionis, am a Managing Member of Lynnhaven Fishing Co., LLC, the Plaintiff in this action. On behalf of the Plaintiff, I verify under solemn affirmation that the facts alleged in the foregoing Complaint are true and correct to the best of my knowledge and information.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4-18-14, 2014

LYNNHAVEN FISHING CO., LLC

BY: 
Dimitri Hionis, Managing Member